

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, JUNE 7, 2004**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:09 p.m. on Monday, June 7, 2004, with President Boyd presiding.

Councillor Gibson led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Boyd instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
1 ABSENT: Keller

A quorum of twenty-eight members being present, the President called the meeting to order.

**OFFICIAL COMMUNICATIONS
National League of Cities**

President Boyd explained the process that took place in the selection of Indianapolis as the site for the National League of Cities (NLC) fall 2004 convention. He said that as many Council members are new and know next to nothing about the NLC, he felt it would be beneficial to have a short briefing. He stated that both he and Minority Leader Borst, as well as former Councillor Beulah Coughenour, have served on various boards of the NLC and the National Association of Counties (NACo), and these gatherings include Mayors and Council members from all over the United States. Many people have laid the groundwork and contributed greatly to encouraging the acceptance of Indianapolis' bid to host the event, and it is a great honor. He said that Mayor Bart Peterson is also serving on the board this year, as the mayor of the host city. He introduced Maribeth Smith of Maribeth Smith & Associates, Inc., who is charged with planning the event.

Ms. Smith provided Councillors with a brochure outlining a brief overview of plans to date and naming members of the steering and planning committees. She introduced Judie Conley, chair of the Guest Tour Sub-Committee, who briefly described the plans for this aspect and thanked Councillor Langsford who has agreed to co-chair the Guest Lounge. Ms. Smith said that the event will cost anywhere from \$1.3 to \$1.6 million, and already more than \$800,000 has been raised through several sponsors.

President Boyd stated that Ms. Smith and other event organizers will be back in October for another update, but are sharing plans at this time so that Council members have time to clear their calendars to participate as much as possible.

Clerk of the Council

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, June 7, 2004, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Rozelle Boyd
President, City-County Council

May 18, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, May 21, 2004, a copy of a Notice of Public Hearing on Proposal Nos. 259, 260, 262-268, and 270-272, 2004, said hearing to be held on Monday, June 7, 2004, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

May 28, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances and resolutions:

GENERAL RESOLUTION NO. 6, 2004 - approves certain public purpose grants totaling \$1,625,000 for the support of the arts

GENERAL ORDINANCE NO. 31, 2004 - authorizes a 20 mph speed limit on Timber Lake Boulevard and Timber Lake Way

GENERAL ORDINANCE NO. 32, 2004 - creates a county rainy day fund and a city rainy day fund as authorized by IC 36-1-8-5.1

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GENERAL ORDINANCE NO. 33, 2004 - modifies the existing sewer use ordinance to comply with requirements set forth in the City's National Pollution Discharge Elimination System (NPDES) permit

GENERAL ORDINANCE NO. 34, 2004 - authorizes parking restrictions for Patricia Street from 30th Street to Brittany Road

GENERAL ORDINANCE NO. 35, 2004 - authorizes parking restrictions on Mooresville Road between Wycliff E. Drive and Oaknoll Drive

GENERAL ORDINANCE NO. 36, 2004 - authorizes a traffic signal for Edgewood Avenue and Gray Road

GENERAL ORDINANCE NO. 37, 2004 - authorizes parking restrictions on Bay Vista E. Drive and W. Drive near 9th Street

GENERAL ORDINANCE NO. 38, 2004 - authorizes a one-way restriction on Dearborn Street between New York Street and Michigan Street

GENERAL ORDINANCE NO. 39, 2004 - authorizes a traffic signal for the intersection of Hague Road and 89th Street

SPECIAL RESOLUTION NO. 15, 2004 - recognizes Rudy Hightower, Pastor Kenneth Sullivan, and the Charity Christian Community Development Corporation

SPECIAL RESOLUTION NO. 16, 2004 - recognizes the Children's Theatre Institute

SPECIAL RESOLUTION NO. 17, 2004 - recognizes the Indianapolis BookFest on Saturday, June 12, 2004

SPECIAL RESOLUTION NO. 18, 2004 - recognizes the 50th anniversary of the historic Brown v. Board of Education ruling

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of May 17, 2004. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 293, 2004. The proposal, sponsored by Councillors Boyd, Moriarty Adams, Sanders, and Gray, recognizes the life and contributions of former Mayor John J. Barton. President Boyd stated that the family of former Mayor Barton is not present this evening, and he would like to postpone the proposal until they can be in attendance. Councillor Sanders moved, seconded by Councillor Moriarty Adams, to postpone Proposal No. 293, 2004 until June 21, 2004. Proposal No. 293, 2004 was postponed by a unanimous voice vote.

PROPOSAL NO. 325, 2004. The proposal, sponsored by Councillors Moriarty Adams and Keller, recognizes the St. Vincent de Paul Society Days in Indianapolis, June 10-12, 2004. Councillor Moriarty Adams read the proposal and presented representatives with copies of the document and Council pins. Board Members Jake Asher and Don Stragle thanked the Council for the recognition and thanked their volunteers and benefactors for making their work possible. Councillor Conley said that he has seen families blessed by the work of St. Vincent de Paul and he stated that he hopes God continues to bless their work. Councillor Bradford asked if there is a

number people can call with contributions or for help. Mr. Asher gave numbers viewers can call either for help or to provide donations. Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 325, 2004 was adopted by a unanimous voice vote.

Proposal No. 325, 2004 was retitled SPECIAL RESOLUTION NO. 19, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 2004

A SPECIAL RESOLUTION recognizing the St. Vincent de Paul Society Days in Indianapolis, June 10-12, 2004.

WHEREAS, the Indianapolis Archdiocesan Council of the St. Vincent de Paul Society began serving the poor in the Indianapolis area in 1965; and

WHEREAS, in 2003, over 130,000 hours were donated by volunteers at the organization's Indianapolis distribution center and warehouse, the Client Choice Food Panty, and its extensive network of parishes; and

WHEREAS, the Indianapolis Council of the St. Vincent de Paul Society served over 7,000 families with donated furniture, appliances and household goods in 2003, as well as giving away 135 cars to help the working poor meet their transportation needs; and

WHEREAS, in 2003 the Society helped over 48,000 residents with food, rent and utility bill assistance, while helping more than 1,500 Indianapolis families each week through the Client Choice Food Pantry; and

WHEREAS, the Indianapolis Archdiocesan Council of the St. Vincent de Paul Society is hosting the Mid-East Regional Meeting of St. Vincent de Paul Societies from Indiana, Kentucky, Michigan and Ohio on June 10-12, 2004; and

WHEREAS, the Regional Meeting will be an opportunity for the Societies to discuss ways to better meet the needs of people and families in the four-state area; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the many contributions of the St. Vincent de Paul Society in the Indianapolis community, as well as surrounding areas, and values the work they do to serve citizens in need.

SECTION 2. The Council extends its appreciation and gratitude to the Society and proclaims June 10-12, 2004 as "St. Vincent de Paul Society Days."

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 212, 2004. President Boyd reported that the Rules and Public Policy Committee heard Proposal No. 212, 2004 on April 13 and May 18, 2004. The proposal, sponsored by Councillors Sanders, Gray and Boyd, appoints Daniel F. Lynch to the Cable Franchise Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Talley moved, seconded by Councillor Sanders, to strike Proposal No. 212, 2004. Proposal No. 212, 2004 was stricken by a unanimous voice vote.

PROPOSAL NO. 245, 2004. President Boyd reported that the Rules and Public Policy Committee heard Proposal No. 245, 2004 on May 18, 2004. The proposal, sponsored by Councillors Boyd, Gray and Sanders, appoints Peter L. Blum to the Cable Franchise Board. By a

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7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bowes made the following motion:

Mr. President:

I move that City-County Council Proposal No. 245, 2004 be amended by changing the ending term date from December 31, 2004 to December 31, 2005.

Councillor Talley seconded the motion, and Proposal No. 245, 2004 was amended by a unanimous voice vote. Councillor Gray moved, seconded by Councillor Sanders, for adoption. Proposal No. 245, 2004, as amended, was adopted by a unanimous voice vote.

Proposal No. 245, 2004, as amended, was retitled COUNCIL RESOLUTION NO. 57, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 57, 2004

A COUNCIL RESOLUTION appointing Peter L. Blum to the Cable Franchise Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Cable Franchise Board, the Council appoints:

Peter L. Blum

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 294, 2004. Introduced by Councillors Sanders, Boyd, Gray, Nytes, Abdullallah, Bowes, Brown, Conley, Franklin, Gibson, Mahern, Mansfield, Moriarty Adams, Oliver, Talley and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which reduces the appropriations for the City-County Council in the amount of Fifty Thousand Dollars (\$50,000) for purposes of increasing the fund balance of the Consolidated County Fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 295, 2004. Introduced by Councillors Sanders, Boyd, Gray, Nytes, Abdullallah, Bowes, Brown, Conley, Franklin, Gibson, Mahern, Mansfield, Moriarty Adams, Oliver, Talley and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which reduces \$300,000 in appropriations for the Marion County Recorder for purposes of increasing the fund balance of the County General Fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 296, 2004. Introduced by Councillors Sanders, Boyd, Gray, Nytes, Abdullallah, Bowes, Brown, Conley, Franklin, Gibson, Mansfield, Mahern, Moriarty Adams, Oliver, Talley and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which reduces the appropriations for the Marion County Voters Registration Board in the amount of \$50,000 for purposes of increasing the fund balance of the County General Fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 297, 2004. Introduced by Councillors Sanders, Boyd, Gray, Nytes, Abdullah, Bowes, Brown, Conley, Franklin, Gibson, Mahern, Mansfield, Moriarty Adams, Oliver, Talley and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which reduces the appropriations for the Marion County Assessor and Township Assessors in the amount of \$200,000 for purposes of increasing the fund balance of the County General Fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 298, 2004. Introduced by Councillors Talley, Boyd, Gray, Sanders, Brown and Franklin. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Carl Drummer to the Ft. Benjamin Harrison Reuse Authority"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 299, 2004. Introduced by Councillors Talley, Abdullah, Speedy, Randolph, Nytes, Keller, Pfisterer, Mansfield, Brown, Moriarty Adams and Mahern. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$400,000 in the 2004 Budget of the Department of Metropolitan Development, Division of Administration, (State Grants Fund) to assist the Indiana Centers for Applied Protein Sciences (INCAPS) with the purchase of scientific equipment to be used by up to 260 new high tech employees, financed by a grant from the Indiana State Department of Commerce"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 300, 2004. Introduced by Councillors Gray, Cockrum, Pfisterer and Mahern. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$24,847 in the 2004 Budget of the Department of Parks and Recreation (Non-Lapsing State Grants Fund) to restore two basketball courts at Haughville Park and install a new parking lot at Marott Park by using asphalt mixed with waste tires, financed by a grant from the Indiana Department of Environmental Management"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 301, 2004. Introduced by Councillors Gray, Cockrum and Mahern. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$34,998 in the 2004 Budget of the Department of Parks and Recreation (Federal Grants and Park General Funds) to continue the after school programs for Raymond Park Middle and Liberty Park Elementary schools, as well as to pay for health and fitness activities and instruction for youth after school programs in Indy parks, financed by a federal grant and the Lilly Endowment interest earnings"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 302, 2004. Introduced by Councillors Moriarty Adams, Sanders, Boyd, Gray, Abdullah, Bowes, Brown, Conley, Franklin, Gibson, Mahern, Mansfield, Nytes, Oliver, Talley and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which reduces the appropriations for the Marion County Prosecutor in the amount of \$300,000 for purposes of increasing the fund balance in the County General Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 303, 2004. Introduced by Councillors Moriarty Adams, Sanders, Boyd, Gray, Abdullah, Bowes, Brown, Conley, Franklin, Gibson, Mahern, Mansfield, Nytes, Oliver, Talley and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which reduces the appropriations for the Metropolitan Emergency Communications Agency (MECA) in the amount of \$50,000 for purposes of increasing the fund balance of the MECA Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 304, 2004. Introduced by Councillors Moriarty Adams, Sanders, Boyd, Gray, Abdullallah, Bowes, Brown, Conley, Franklin, Gibson, Mahern, Mansfield, Nytes, Oliver, Talley and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which reduces the appropriations for the Marion County Justice Agency in the amount of \$65,233 for purposes of increasing the fund balance of the County General Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 305, 2004. Introduced by Councillors Moriarty Adams, Sanders, Boyd, Gray, Abdullallah, Bowes, Brown, Conley, Franklin, Gibson, Mahern, Mansfield, Nytes, Oliver, Talley and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,000,000 in the 2004 Budget of the Marion County Sheriff's Department (County General Fund) to provide an additional appropriation due to fuel price increases"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 306, 2004. Introduced by Councillors Moriarty Adams, Sanders, Boyd, Gray, Abdullallah, Bowes, Brown, Conley, Franklin, Gibson, Mahern, Mansfield, Nytes, Oliver, Talley and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$500,000 in the 2004 Budget of the Marion County Public Defender Agency (County General Fund) to fund additional staff for representation of indigent respondents/defendants "; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 307, 2004. Introduced by Councillors McWhirter and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$57,300 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to provide continued funding for a deputy prosecutor and part time investigator/victim advocate for the joint project, Regional Gang Interdiction Program, funded by a grant from Bryne Memorial Funds awarded through Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 308, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$200,000 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to fund the budget of the Child Advocacy Center, funded by a grant from Family and Social Services Administration"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 309, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$218,070 in the 2004 Budget of Community Corrections (State and Federal Grants Fund) to fund a Juvenile Court Intensive Probation Services Program for fiscal year 2004/2005, funded by a grant from the Department of Corrections"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 310, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$946,254 in the 2004 Budget of Community Corrections (Home Detention User Fee Fund) to fund the first six months (fiscal year 2004/2005) of the Home Detention Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 311, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,873,086 in the 2004 Budget of Marion County Community Corrections (State and Federal Grants) to appropriate the continuation of the annual Department of Corrections Grant for fiscal year 2004/2005, funded by a grant from the Department of Corrections"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 312, 2004. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$35,830 in the 2004 Budget of the Marion Superior Court, Juvenile Division, (State and Federal Grants Fund) to hire a part-time commissioner to address the backlog of Termination of Parental Rights (TPR) cases, funded by a grant from the Indiana Supreme Court, Court Improvement Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 313, 2004. Introduced by Councillors Conley, Boyd, Gray and Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Amy Marks Callahan to the Air Pollution Control Board"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 314, 2004. Introduced by Councillors Gibson, Nytes, Keller, Brown and Mahern. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$183,960 in the 2004 Budget of the Department of Public Works, Policy and Planning Division, (State Grants Fund) to pay IndyGo the remaining portion of their grant funding and to pay for a transit study, financed by the Public Mass Transit Funds (PMTF) passed through the State"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 315, 2004. Introduced by Councillors Conley and Speedy. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$96,416 in the 2004 Budget of the Department of Public Works, Policy and Planning Division, (Non-Lapsing State of Indiana Grants Fund) to purchase a waste oil system, supplies, and a storage unit to aid in the disposal of hazardous waste financed by a grant from the Indiana Department of Environmental Management"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 316, 2004. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Maples Subdivision (District 24)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 317, 2004. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Speedway Woods Subdivision, Sections 1-6 (District 14)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 318, 2004. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the intersection of 15th Street and Bazil Avenue (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 319, 2004. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the intersection of 15th Street and Routiers Avenue (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 320, 2004. Introduced by Councillor Abdullah. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the deletion of parking restrictions on Porto Alegre Street from Michigan Street to 10th Street (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 321, 2004. Introduced by Councillor Abdullah. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the addition of parking restrictions on Porto Alegre Street from Limestone Street to Michigan Street (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 322, 2004. Introduced by Councillor Abdullah. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the addition of parking restrictions on Pierson Street from Ohio Street to New York Street (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 323, 2004. Introduced by Councillor Abdullah. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of rush hour parking restrictions on Ohio Street between West Street and Capitol Avenue (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 324, 2004. Introduced by Councillor Mansfield. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Wetherburn Subdivision (District 2)"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 326, 2004, PROPOSAL NOS. 327-335, 2004, PROPOSAL NOS. 336-342, 2004, and PROPOSAL NO. 343, 2004. Introduced by Councillor Talley. Proposal No. 326, 2004, Proposal Nos. 327-335, 2004, Proposal Nos. 336-342, 2004, and Proposal No. 343, 2004 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on May 19, 21, and 28, 2004. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 62-79, 2004, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 62, 2004.

2003-ZON-189

5256 and 5274 LAFAYETTE ROAD (approximate addresses), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT #7

KEVIN D. TRAN requests a rezoning of 0.756 acre, being in the D-A District, to the C-1 classification to provide for commercial uses.

REZONING ORDINANCE NO. 63, 2004.

2003-ZON-181

5320 SOUTH BELMONT AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #25

G. THOMAS BLANKENSHIP requests a rezoning of 111.856 acres, being in the SU-23 (GSB) (W-5) (FF) (FW) District, to the D-5 (W-5) (FF) (FW) classification to provide for single-family residential development.

REZONING ORDINANCE NO. 64, 2004.

2003-ZON-182

5320 SOUTH BELMONT AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #25

G. THOMAS BLANKENSHIP requests a rezoning of 50.471 acres, being in the SU-23 (GSB) (FF) (FW) (W-5) District, to the I-3-S (FF) (FW) (W-5) classification to provide for industrial uses.

REZONING ORDINANCE NO. 65, 2004.

2003-ZON-183

2515 WEST THOMPSON ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #25

G. THOMAS BLANKENSHIP requests a rezoning of 8.972 acres, being in the D-A (FF) (FW) District, to the I-3-S (FF) (FW) classification to provide for industrial uses.

REZONING ORDINANCE NO. 66, 2004.

2004-ZON-002

4601 WEST 71ST STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT #1

MALLESS BUSINESS SERVICES, by Robert V. Clutter, requests a rezoning of one acre, being in the I-2-S District, to the C-S classification to provide for a 4,500 square foot automobile repair facility.

REZONING ORDINANCE NO. 67, 2004.

2004-ZON-014

201 NORTH SHORTRIDGE ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #21

CARL E. STAGE requests a rezoning of 1.08 acres, being in the D-3 District, to the C-1 classification to provide for an insurance office.

REZONING ORDINANCE NO. 68, 2004.

2004-ZON-015

2325 AND 2327 EAST 46TH STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #9

FORSIGHT ENGINEERING requests a rezoning of 1.40 acres, being in the I-1-S (W-1) District, to the C-5 (W-1) classification to provide for a retail store.

REZONING ORDINANCE NO. 69, 2004.

2004-ZON-804

810-928 EAST 67TH STREET, 912 and 916 EAST 68TH STREET, 6850

FERGUSON STREET and 6848 CORNELL AVENUE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #3

INDIANAPOLIS ART CENTER, by Mary E. Solada, request a rezoning of 9.03 acres, being in the C-4 (FF) (FW), D-9 (FF) (FW) and SU-7 (FF) (FW) Districts, to the SU-7 (FF) (FW) classification to provide for the expansion of an existing arts and cultural center.

REZONING ORDINANCE NO. 70, 2004.

2004-ZON-807

3636 WOODVIEW TRACE and 3850 DEPAUW BOULVEVARD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT #1

JAMES E. DORA, TRUSTEE, GENERAL HOTELS CORPORATION, by Thomas Engle, requests a rezoning of 0.64 acres, being in the C-2 District, to the C-6 classification to provide for an expansion of a hotel and a hotel parking.

REZONING ORDINANCE NO. 71, 2004.

2004-ZON-810

5902-5916 NORTH COLLEGE AVENUE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #3

COLLEGE AVENUE, LLC, by Mary E. Solada, requests a rezoning of 0.80 acre, being in the C-3 and D-4 Districts, to the C-3 classification to provide for neighborhood commercial uses.

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REZONING ORDINANCE NO. 72, 2004.

2004-ZON-010

9350 and 9440 MASTERS ROAD (approximate addresses), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #5

MANN PROPERTIES, by Stephen D. Mears, requests a rezoning of 11.05 acres, being in the D-A District, to the D-7 classification to provide for a multi-family townhouse development.

REZONING ORDINANCE NO. 73, 2004.

2004-ZON-025

8351 ROCKVILLE ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #13

CLOVERLEAF PROPERTIES requests a rezoning of 1.144 acres, being in the, C-S (FF) District to the I-2-S (FF) classification to provide for an addition to an existing pharmaceutical supply facility.

REZONING ORDINANCE NO. 74, 2004.

2004-ZON-026

3202 SOUTH EAST STREET (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #23

KIN PROPERTIES GROUP, A NEW YORK PARTNERSHIP, by Walter E. Wolf, Junior, requests a rezoning of 1.59 acres, being in the D-3 District, to the C-7 classification to provide for automobile sales and other commercial uses.

REZONING ORDINANCE NO. 75, 2004.

2004-ZON-027

8355 ROCKVILLE ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #13

CLOVERLEAF PROPERTIES requests a rezoning of 3.642 acres, being in the I-2-S (FF) District, to the C-1 (FF) classification to legally establish an administrative office complex and provide for a bank.

REZONING ORDINANCE NO. 76, 2004.

2004-ZON-029

7211 MADISON AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #24

SPEEDWAY SUPERSTORE, LLC, by Steven B. Granner, requests a rezoning of 1.56 acres, being in the D-4 District, to the C-4 classification to provide for a gasoline station and a car wash.

REZONING ORDINANCE NO. 77, 2004.

2004-ZON-809

1402 NORTH CAPITOL AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #15

S. COHN AND SON AUTO COMPANY, INCORPORATED by Brian J. Tuohy, requests a rezoning of 2.16 acres, being in the I-3-U (W-5) District, to the C-1 (W-5) classification to provide for office uses.

REZONING ORDINANCE NO. 78, 2004.

2004-ZON-812

1033 FAYETTE STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #15

DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 2.21 acres, being in the I-3-U (RC) District, to the CBD-S (RC) classification to provide for a 147,500 square foot academic and scientific research facility.

REZONING ORDINANCE NO. 79, 2004.

2003-ZON-171

7759 EAST ENGLISH AVENUE (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #13

HERITAGE DEVELOPMENT OF INDIANA, LLC, by Thomas Michael Quinn, requests a rezoning of 14.27 acres, being in the SU-3 District, to the D-6II classification to provide for multi-family residential development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 259, 2004. Councillor Gibson reported that the Municipal Corporations Committee heard Proposal No. 259, 2004 on June 7, 2004. The proposal, sponsored by Councillors Brown, Mahern, Cockrum, Gray, Oliver, Gibson and Keller, approves an increase of \$2,000,000 in the 2004 Budget of the Office of the City Controller (Consolidated County Fund and City Rainy Day Fund) to provide for a loan to the Indianapolis Public Transportation Corporation to allow IndyGo to cover 2004 expenses and to avoid reductions in bus routes. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Gibson said that a rather lengthy debate took place in committee regarding the word “loan” in the digest, and the City Controller made it clear that this transfer is a loan and will be paid back. However, the City is trying to remain flexible in the terms of the loan, as it has not yet been identified how or when it can be paid back.

Councillor Randolph stated that in light of IndyGo’s current fiscal crisis, he cannot support a loan with no terms on the table. He made the following motion:

Mr. President:

I move to amend Proposal No. 259, 2004 by deleting the word “Loan” in the digest and inserting in lieu thereof the word “transfer.”

Councillor Schneider seconded the motion.

Councillor Bowes said that he does not understand the amendment, as it is his understanding that the digest of a proposal has no legal effect. Aaron Haith, General Counsel, stated that Councillor Bowes’ understanding is correct, and the digest does not become a part of the ordinance if passed, and is just an identifier.

Councillor Schneider asked what the legal description is of this transaction and if it is a transfer. Councillor Gibson said that this is a short-term fix for IndyGo’s problems and is a loan from the Office of the City Controller to IndyGo. Barbara Lawrence, City Controller, said that the actual transaction is to appropriate money from two separate funds in order for the City then to have the money available to make a loan to the Indianapolis Public Transportation Corporation (IPTC).

Councillor Borst said that the minority caucus has been advised by their counsel, Robert Elrod, who served as the Council’s General Counsel for over 32 years, that whenever one unit of government loans another unit of government money, this loan has to be paid off by December 31 of the year in which the loan was made. Ms. Lawrence said that she is not familiar with that provision. She added that she has had conversation with Corporation Counsel and the State and this was not raised as an issue. Councillor Borst said that Fred Armstrong, Chief Financial Officer for IndyGo, is in attendance this evening and as former City Controller, perhaps he remembers that he is the one who actually taught the Council this provision. He asked if Ms. Lawrence found no mention of this provision in any research for this transaction. Ms. Lawrence said that she did not.

Councillor McWhirter said that though the digest may describe the transaction as a loan, it is nowhere in the official ordinance, and she asked if there is paperwork documenting a loan agreement. Ms. Lawrence said that the terms of the loan agreement have not yet been finalized.

She said that this proposal simply makes the appropriation so that the Controller's Office has the money available to make such a loan. Councillor McWhirter asked if the intention is to give the money to IndyGo if this proposal is passed. Ms. Lawrence said that it is. Councillor McWhirter asked what happens if the Controller's Office is not able to come to acceptable terms for the loan after the money has already been issued. Ms. Lawrence assured Councillor McWhirter that they will come to terms.

Councillor Gibson stated that this is a simple fiscal ordinance and the Council simply appropriates the money and the executive branch decides how it is distributed. Therefore, the Controller has time to work out terms even after the appropriation.

President Boyd called for public testimony at 8:12 p.m.

Reverend Pamela M. Pinkney, citizen, stated that she has a problem with the word "loan." She asked who can guarantee that the working poor will not suffer the brunt of paying back the loan. She asked where the recent federal money went to fund public transportation. Ms Lawrence said that the loan will be repaid by IndyGo revenues and the federal money was only for capital purchases, not operating costs.

Councillor Bradford said that if IndyGo already does not have the revenues to fund their budget, they are a taxing district, and the money has to come from some place. Therefore, IndyGo will have to increase taxes or fares, or find other federal and state grants to fund the repayment of the loan.

Councillor Randolph's motion to amend Proposal No. 259, 2004 failed on the following roll call vote; viz:

13 YEAS: Borst, Bradford, Cain, Cockrum, Day, Langsford, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy

15 NAYS: Abdullallah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley

1 ABSENT: Keller

Councillor Schneider said that he is uncomfortable voting for a loan when the terms are not known. Councillor Cain agreed and said that it is fiscally irresponsible to do so. Councillor Salisbury said that he supports public transportation and IndyGo, but cannot support the ordinance without terms being defined.

Councillor Gibson moved, seconded by Councillor Talley, for adoption. Proposal No. 259, 2004, as amended in committee, was adopted on the following roll call vote; viz:

24 YEAS: Abdullallah, Borst, Bowes, Boyd, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Sanders, Speedy, Talley

4 NAYS: Bradford, Cain, Salisbury, Schneider

1 ABSENT: Keller

Councillors Borst, Randolph, and Conley asked to explain their votes. Consent was given. Councillor Borst said that he is also uncomfortable without terms defined, but he hopes the Controller will look into all the legal issues before actually making the loan. He said he still believes it needs to be paid by December 31, 2004. Councillor Randolph agreed and said that he hopes the Controller and IndyGo can come to acceptable loan terms before the budget process.

Councillor Conley said that he supports IndyGo, but a loan is a loan, and he hopes the Controller can come back to the Council shortly with terms of the loan.

Proposal No. 259, 2004, as amended, was retitled FISCAL ORDINANCE NO. 63, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 63, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Two Million Dollars (\$2,000,000) in the Consolidated County Fund and the City Rainy Day Fund for purposes of the Office of the City Controller and reducing the unappropriated and unencumbered balance in the Consolidated County Fund and City Rainy Day Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(i) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Office of the City Controller to assist IndyGo in covering 2004 expenses and to mitigate reductions in bus routes.

SECTION 2. The sum of Two Million (\$2,000,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>OFFICE OF THE CITY CONTROLLER</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>687,000</u>
TOTAL INCREASE	687,000

<u>OFFICE OF THE CITY CONTROLLER</u>	<u>CITY RAINY DAY FUND</u>
3. Other Services and Charges	<u>1,313,000</u>
TOTAL INCREASE	1,313,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered Consolidated County Fund	<u>687,000</u>
TOTAL REDUCTION	687,000

	<u>CITY RAINY DAY FUND</u>
Unappropriated and Unencumbered City Rainy Day Fund	<u>1,313,000</u>
TOTAL REDUCTION	1,313,000

SECTION 5. The projected December 31, 2004, fund balance for the Consolidated County fund is as follows:

Cash balance as of March 31, 2004	36,268,435
Estimated 2004 revenues (Balance of 2004 budgeted revenues)	<u>36,244,960</u>
Projected funds available	72,513,395
2004 appropriations remaining including prior year carryover encumbrances	47,630,149
Proposed appropriation	<u>687,000</u>
Total Requirements	48,317,149
Projected fund balance December 31, 2004	24,196,246

June 7, 2004

The projected December 31, 2004, fund balance for the City Rainy Day fund is as follows:

Cash balance as of January 1, 2004	0
Estimated 2004 revenues (including interest)	<u>1,313,000</u>
Projected funds available	1,313,000
2004 appropriations remaining including prior year carryover encumbrances	0
Proposed appropriation	<u>1,313,000</u>
Total Requirements	1,313,000
Projected fund balance December 31, 2004	0

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 260, 2004. Councillor Sanders reported that the Community Affairs Committee heard Proposal No. 260, 2004 on May 25, 2004. The proposal, sponsored by Councillors Sanders and Gray, approves an increase of \$6,040 in the 2004 Budget of the Marion County Cooperative Extension Service (County Grants Fund) for purposes of funding summer youth programs, funded by Indianapolis Foundation and Lilly Endowment, Inc. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:27 p.m.

Rev. Pinkney asked how faith-based organizations are involved in these summer youth programs. Councillor Sanders said that the Cooperative Extension is a community-based organization and it is their choice whether or not to include faith-based organizations. She said that she is unaware of any such commitment.

Councillor Sanders moved, seconded by Councillor Gray, for adoption. Proposal No. 260, 2004 was adopted on the following roll call vote; viz:

26 YEAS: Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
0 NAYS:
2 NOT VOTING: Abdullah, Gibson
1 ABSENT: Keller

Proposal No. 260, 2004 was retitled FISCAL ORDINANCE NO. 64, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 64, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 116, 2003) appropriating an additional Six Thousand Forty Dollars (\$6,040) in the County Grants Fund for purposes of Marion County Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the County Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (m) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of funding summer youth programs.

SECTION 2. The sum of Six Thousand Forty Dollars (\$6,040) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY COOPERATIVE EXTENSION SERVICE</u>	<u>COUNTY GRANTS FUND</u>
1. Personal Services	4,800
Fringes	367
2. Supplies	<u>873</u>
TOTAL INCREASE	6,040

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>6,040</u>
TOTAL REDUCTION	6,040

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 262, 2004. Councillor Gray reported that the Parks and Recreation Committee heard Proposal No. 262, 2004 on May 20, 2004. The proposal, sponsored by Councillors Gray, Cockrum and Bradford, approves an increase of \$40,621 in the 2004 Budget of the Department of Parks and Recreation (State Grants Fund) to pay for design and engineering for lighting, landscaping, trash receptacles, and other construction projects on the Guilford Street Bridge to the Monon Trail, financed by a state grant. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford stated that this project is in his district and he agrees with the concerns raised by citizen Clark Kahlo in the Committee hearing. He said that this project is a win-win situation.

President Boyd called for public testimony at 8:31 p.m.

Rev. Pinkney asked when the same type of effort and money will be invested in the Haughville area. Councillor Franklin said that she just saw a proposal that was appropriating some funds for a park in Haughville, and she will locate it and let Rev. Pinkney know how much it is for.

Councillor Gray moved, seconded by Councillor Bradford, for adoption. Proposal No. 262, 2004 was adopted on the following roll call vote; viz:

26 YEAS: Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
0 NAYS:
2 NOT VOTING: Abdullah, Brown
1 ABSENT: Keller

June 7, 2004

Proposal No. 262, 2004 was retitled FISCAL ORDINANCE NO. 65, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 65, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Forty Thousand Six Hundred and Twenty-one Dollars (\$40,621) in the State Grants Fund for purposes of the Department of Parks and Recreation, and reducing the unappropriated and unencumbered balance in the State Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to pay for design and engineering for lighting, landscaping, trash receptacles, and other construction projects on the Guilford Street Bridge to the Monon Trail, financed by a state grant.

SECTION 2. The sum of Forty Thousand Six Hundred and Twenty-one Dollars (\$40,621) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>STATE GRANTS FUND</u>
3. Other Services and Charges	<u>40,621</u>
TOTAL INCREASE	40,621

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
State Grants Fund	<u>40,621</u>
TOTAL REDUCTION	40,621

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 263, 2004. Councillor Gray reported that the Parks and Recreation Committee heard Proposal No. 263, 2004 on May 20, 2004. The proposal, sponsored by Councillors Gray and Cockrum, approves an increase of \$30,000 in the 2004 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to fund a public awareness initiative for the Indianapolis Kessler Park and Boulevard Plan, financed by a grant from the U.S. Department of the Interior. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:33 p.m. There being no one present to testify, Councillor Gray moved, seconded by Councillor Cockrum, for adoption. Proposal No. 263, 2004 was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

1 ABSENT: *Keller*

Proposal No. 263, 2004 was retitled FISCAL ORDINANCE NO. 66, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 66, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Thirty Thousand Dollars (\$30,000) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund a public awareness initiative for the Indianapolis Kessler Park and Boulevard Plan, financed by a grant from the U.S. Department of the Interior.

SECTION 2. The sum of Thirty Thousand Dollars (\$30,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>30,000</u>
TOTAL INCREASE	30,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>30,000</u>
TOTAL REDUCTION	30,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 264, 2004. Councillor Gray reported that the Parks and Recreation Committee heard Proposal No. 264, 2004 on May 19, 2004. The proposal, sponsored by Councillors Gray and Cockrum, approves an increase of \$20,950 in the 2004 Budget of the Department of Parks and Recreation (Non-Lapsing State Grants and Non-Lapsing Federal Grants Funds) to restore and protect a graminoid fen wetland community in Southwestway Park, to treat invasive species of bush honeysuckle at Southwestway and Juan Solomon parks, and to pay for understory planting at Municipal Gardens park, financed by State and Federal grants. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Plowman asked what graminoid fen and understory planting are. Councillor Gray said these are both types of plants.

June 7, 2004

President Boyd called for public testimony at 8:36 p.m. There being no one present to testify, Councillor Gray moved, seconded by Councillor Cockrum, for adoption. Proposal No. 264, 2004 was adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Talley*

0 NAYS:

1 NOT VOTING: *Speedy*

1 ABSENT: *Keller*

Proposal No. 264, 2004 was retitled FISCAL ORDINANCE NO. 67, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 67, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Twenty Thousand Nine Hundred and Fifty Dollars (\$20,950) in the Non-Lapsing State Grants and Non-Lapsing Federal Grants Funds for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Non-Lapsing State Grants and Non-Lapsing Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to restore and protect a graminoid fen wetland community in Southwestway Park, to treat invasive species of bush honeysuckle at Southwestway and Juan Solomon parks, and to pay for understory planting at Municipal Gardens park, financed by State and Federal Grants.

SECTION 2. The sum of Twenty Thousand Nine Hundred and Fifty Dollars (\$20,950) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON-LAPSING STATE GRANTS FUND</u>
2. Supplies	2,000
3. Other Services and Charges	<u>8,950</u>
TOTAL INCREASE	10,950

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
2. Supplies	<u>10,000</u>
TOTAL INCREASE	10,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing State Grants Fund	<u>10,950</u>
TOTAL REDUCTION	10,950

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>10,000</u>
TOTAL REDUCTION	10,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 267, 268, 270, 271, and 272, 2004 on May 19, 2004. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 267, 2004. The proposal, sponsored by Councillors Moriarty Adams, Talley and McWhirter, approves an increase of \$399,580 in the 2004 Budget of the Department of Public Safety, Police Division (Federal Grants and Non-Lapsing Federal Grants Funds), to upgrade the mugshot system, purchase equipment for the bomb squad, pay for police officer overtime, and to provide use of force alternatives training, financed by federal grants and a transfer between characters. PROPOSAL NO. 268, 2004. The proposal, sponsored by Councillors Moriarty Adams, Talley and McWhirter, approves a transfer and an increase of \$54,421 in the 2004 Budget of the Department of Public Safety, Fire Division (Federal Grants and Non-Lapsing Federal Grants Funds), to pay for expenses incurred by the Urban Search and Rescue Task Force while on deployment to assist in the aftermath of Hurricane Isabel, cover administrative costs incurred by the NASA deployment of the Urban Search and Rescue Task Force, and to cover anticipated expenditures for the team throughout this year, financed by a transfer between characters and a federal grant. PROPOSAL NO. 270, 2004. The proposal, sponsored by Councillor Borst, approves an increase of \$331,688 in the 2004 Budget of Marion County Superior Court (State and Federal Grants Fund) to appropriate Edward Byrne Grant and Block Grants 7 and 8 for the Drug Treatment Diversion Program, funded by grants from the Indiana Criminal Justice Institute. PROPOSAL NO. 271, 2004. The proposal, sponsored by Councillor Borst, approves an increase of \$129,274 in the 2004 Budget of Marion Superior Court (State and Federal Grants Fund) to appropriate Indiana Criminal Justice Institute grant to Community Court. PROPOSAL NO. 272, 2004. The proposal, sponsored by Councillor Borst, approves an increase of \$6,800 in the 2004 Budget of the Marion County Superior Court (Drug Treatment Diversion Program Fund) to cover Character 03 expenses. By a 6-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Boyd called for public testimony at 8:47 p.m.

Rev. Pinkney stated that the Council continues to appropriate millions of dollars to criminal justice. She said that with a police force and other criminal justice entities steeped in racism and gender discrimination, these issues need to be addressed before more funding is given to them.

Councillor Moriarty Adams moved, seconded by Councillor Borst, for adoption. Proposal Nos. 267, 268, 270, 271, and 272, 2004 were adopted on the following roll call vote; viz:

28 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
0 NAYS:
1 ABSENT: Keller

June 7, 2004

Proposal No. 267, 2004 was retitled FISCAL ORDINANCE NO. 68, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 68, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) transferring and appropriating an additional Three Hundred and Ninety-nine Thousand Five Hundred and Eighty Dollars (\$399,580) in the Federal Grants and Non-Lapsing Federal Grants Funds for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Federal Grants and Non-Lapsing Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division to upgrade the mugshot system, purchase equipment for the bomb squad, pay for police officer overtime, and to provide use of force alternatives training, financed by federal grants and a transfer between characters.

SECTION 2. The sum of Three Hundred and Ninety-nine Thousand Five Hundred and Eighty Dollars (\$399,580) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

FEDERAL GRANTS FUND

3. Other Services and Charges	34,505
4. Capital Outlay	<u>8,495</u>
TOTAL INCREASE	43,000

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

NON-LAPSING FEDERAL GRANTS FUND

1. Personal Services	105,000
2. Supplies	20,022
3. Other Services and Charges	61,580
4. Capital Outlay	<u>169,978</u>
TOTAL INCREASE	356,580

SECTION 4. The said additional appropriation is funded by the following reductions:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

NON-LAPSING FEDERAL GRANTS FUND

1. Personal Services	<u>35,000</u>
TOTAL DECREASE	35,000

FEDERAL GRANTS FUND

Unappropriated and Unencumbered Federal Grants Fund	<u>43,000</u>
TOTAL REDUCTION	43,000

NON-LAPSING FEDERAL GRANTS FUND

Unappropriated and Unencumbered Non-Lapsing Federal Grants Fund	<u>321,580</u>
TOTAL REDUCTION	321,580

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. The non-lapsing appropriations included in this ordinance shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 268, 2004 was retitled FISCAL ORDINANCE NO. 69, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 69, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) transferring and appropriating an additional Fifty-four Thousand Four Hundred and Twenty-one Dollars (\$54,421) in the Federal Grants and Non-Lapsing Federal Grants Funds for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Federal Grants and Non-Lapsing Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division to pay for expenses incurred by the Urban Search and Rescue Task Force while on deployment to assist in the aftermath of Hurricane Isabel, cover administrative costs incurred by the NASA deployment of the Urban Search and Rescue Task Force, and to cover anticipated expenditures for the team throughout this year, financed by a transfer between characters and a federal grant.

SECTION 2. The sum of Fifty-four Thousand Four Hundred and Twenty-one Dollars (\$54,421) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

3. Other Services and Charges

TOTAL INCREASE

NON-LAPSING FEDERAL GRANTS FUND

1,226

1,226

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

3. Other Services and Charges

4. Capital Outlay

TOTAL INCREASE

FEDERAL GRANTS FUND

50,745

2,480

53,225

SECTION 4. The said additional appropriation is funded by the following reductions:

NON-LAPSING FEDERAL GRANTS FUND

Unappropriated and Unencumbered

Non-Lapsing Federal Grants Fund

TOTAL REDUCTION

1,226

1,226

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

4. Capital Outlay

TOTAL DECREASE

FEDERAL GRANTS FUND

15,000

15,000

FEDERAL GRANTS FUND

Unappropriated and Unencumbered

Federal Grants Fund

TOTAL REDUCTION

38,225

38,225

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or

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project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. The non-lapsing appropriations included in this ordinance shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 270, 2004 was retitled FISCAL ORDINANCE NO. 70, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 70, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114(2003) appropriating an additional Three Hundred Thirty-one Thousand Six Hundred Eighty-eight Dollars (\$331,688) in the State and Federal Grants Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to appropriate Byrne Grant and Block Grants 7 & 8 for Drug Treatment Diversion Program.

SECTION 2. The sum of an additional Three Hundred Thirty-one Thousand Six Hundred Eighty-eight Dollars (\$331,688) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	62,600
1. Personal Services	214,316
2. Supplies	1,400
3. Other Services and Charges	<u>53,372</u>
TOTAL INCREASE	331,688

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>331,688</u>
TOTAL REDUCTION	331,688

SECTION 5. The local match of \$45,000 is funded by Drug Free and \$44,020I is funded by the following existing appropriation in the Public Defenders Budget:

<u>PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>44,020</u>
TOTAL MATCH	44,020

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 271, 2004 was retitled FISCAL ORDINANCE NO. 71, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 71, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114(2003) appropriating an additional One Hundred Twenty-nine Thousand Two Hundred Seventy-four Dollars (\$129,274) in the State and Federal Grants Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to appropriate Indiana Criminal Justice Institute grant to Community Court.

SECTION 2. The sum of an additional One Hundred Twenty-nine Thousand Two Hundred Seventy-four Dollars (\$129,274) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	24,274
1. Personal Services	<u>105,000</u>
TOTAL INCREASE	129,274

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>129,274</u>
TOTAL REDUCTION	129,274

SECTION 5. The local match of \$43,092 is funded by the following existing appropriation in the Marion Superior Court Budget:

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>43,092</u>
TOTAL MATCH	43,092

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 272, 2004 was retitled FISCAL ORDINANCE NO. 72, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 72, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No.114, 2003) appropriating an additional Six Thousand Eight Hundred Dollars (\$6,800) in the Drug Treatment Diversion Program Fund for purposes of the Marion County Superior Court, and reducing the unappropriated and unencumbered balance in the Drug Treatment Diversion Program Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

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SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(f) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated.

SECTION 2. The sum of Six Thousand Eight Hundred Dollars (\$6,800) and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>DRUG TREATMENT DIVERSION PROGRAM FUND</u>
3. Other Services and Charges	<u>6,800</u>
TOTAL INCREASE	6,800

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>DRUG TREATMENT DIVERSION PROGRAM FUND</u>
Unappropriated and Unencumbered	
Drug Treatment Diversion Program Fund	<u>6,800</u>
TOTAL REDUCTION	6,800

SECTION 5. The projected December 31, 2004, fund balance for the Drug Treatment Diversion Fund is as follows:

Current cash balance 04-30-04	25,032
Anticipated additional revenue through December 31, 2004	15,700
Projected funds available	40,732
Remaining appropriations and encumbrances	0
Proposed additional appropriation	6,800
Funds required	6,800
Projected fund balance December 31, 2004	33,932

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 172, 2004. Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 172, 2004 on March 23, 2004 and June 1, 2004. The proposal, sponsored by Councillors Randolph and Cockrum, establishes a County Option Income Tax (COIT) Rainy Day Fund. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken.

Councillor Borst commended Councillor Cockrum for coming up with this funding option for IndyGo and for getting the ball rolling.

Councillor Nytes moved, seconded by Councillor Cockrum, to strike. Proposal No. 172, 2004 was stricken by a unanimous voice vote.

PROPOSAL NO. 247, 2004. President Boyd reported that the Rules and Public Policy Committee heard Proposal No. 247, 2004 on May 18, 2004. The proposal, sponsored by Councillors Boyd, Mahern, Mansfield, Nytes, Oliver and Sanders, establishes a local polling place advisory council to provide assistance in choosing polling places. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Sanders moved, seconded by Councillor Gray, for adoption. Proposal No. 247, 2004, as amended, was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

1 ABSENT: *Keller*

Proposal No. 247, 2004, as amended, was retitled GENERAL ORDINANCE NO. 40, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 40, 2004

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to establish a local polling place advisory council to provide assistance in choosing polling places.

WHEREAS, the Help America Vote Act of 2002 (hereinafter "HAVA") imposes certain requirements intended to improve disabled persons' access to the voting process; and

WHEREAS, HAVA requires that each state submit an implementation plan; and

WHEREAS, the Indiana State Plan to Implement HAVA was adopted by the Indiana Secretary of State in 2003 and requires the establishment of a local advisory council; and

WHEREAS, the Indiana State Plan to Implement HAVA requires the county executive to appoint all members of the advisory council; and

WHEREAS, in order to give effect to the Indiana State Plan to Implement HAVA, the City-County Council adopted Special Resolution No. 54, 2003; and

WHEREAS, pursuant to Special Resolution No. 54, 2003, the City-County Council shall adopt an ordinance to establish a local advisory council to assist in ensuring that polling places are accessible to disabled voters; and

WHEREAS, the creation of a local advisory council to identify accessibility impediments at existing polling places and the development of a process by which these impediments are remedied will maximize voting participation by disabled voters; now therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 283 of the "Revised Code of the Consolidated City and County," regarding City-County Agencies, hereby is amended by the addition of a NEW Article IV, to read as follows:

ARTICLE IV. POLLING PLACE ADVISORY COUNCIL

Sec. 283-401. Established.

The polling place advisory council is hereby established.

Sec. 283-402. Council membership.

The polling place advisory council shall consist of seven (7) members appointed by the mayor. Of these seven (7) appointments, three (3) members shall be appointed from persons nominated by the city-county council and only two (2) of these nominations shall be of the same political party, and one (1) member shall be appointed from persons nominated by the Marion County Election Board. Members shall serve without compensation.

Sec. 283-403. Meetings; quorum.

The polling place advisory council shall meet as necessary for the purposes cited in this ordinance, and a quorum of five (5) members is required for official action.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and

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penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 249, 2004. President Boyd reported that the Rules and Public Policy Committee heard Proposal No. 249, 2004 on May 18, 2004. The proposal, sponsored by Councillors Conley, Boyd, Sanders, Keller, Talley, Gray and Gibson, establishes the Central Indiana Regional Transportation Authority. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Sanders moved, seconded by Councillor Gibson, for adoption.

Councillor Borst stated that once the Regional Transportation Authority (RTA) is created, the Council cannot take it back and the General Assembly could create a taxing district to fund it, and the Council no longer has much jurisdiction over it. He said that he feels a safer action would be to propose a special resolution to explore more alternatives. Councillor Borst made the following motion:

Mr. President:

I move to amend Proposal No. 249, 2004, as follows: Delete the proposal as introduced and substitute in lieu thereof the following proposal:

A PROPOSAL FOR A SPECIAL RESOLUTION urging the Mayor and surrounding cities and counties to enter into an interlocal cooperation agreement to explore the feasibility and financing potential for a regional transportation system.

Whereas, there has been substantial support expressed by business and governmental leaders in the Metropolitan Indianapolis area for the exploration of the development of a regional transportation system; and

Whereas, some have proposed the creation of a Regional Transportation Authority to pursue those goals; and

Whereas, the current statute authorizing such Authority requires the creation of a separate municipal corporation; and

Whereas, the creation of another municipal corporation raises questions of governmental expansion, potential taxes, duplication of services and political control; and

Whereas, the preliminary exploration of the feasibility and financing of a regional transportation system could be accomplished by an interlocal cooperation agreement without creating an additional permanent municipal corporation; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL
OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. The City-County Council expresses support for continued exploration of feasibility and financing of regional transportation services.

SECTION 2. The Mayor is requested to work with the Council and surrounding communities to

propose to the Council an interlocal cooperation agreement for joint exploration of regional transportation systems and services.

Councillor Schneider seconded the motion.

Councillor Gibson said that he is against the amendment, and the ordinance as written clearly indicates that the RTA has no taxing authority.

Councillor Speedy said that he encourages public transportation as a regional issue, but he has concerns about the RTA and its creation. Although initially, the RTA is not granted any taxing authority, it could be given to them by the General Assembly or through the transfer of IndyGo to IPTC. He said that IPTC is run by people who are not elected officials and have no accountability to the taxpayers. He said that the amended resolution offers the same solutions with more accountability in place.

Councillor Pfisterer said that she fully supports public transportation, but she struggles with the ways to do so. She said that according to Indiana Code, a created RTA is given certain powers and duties and can incur indebtedness, as well as do all other acts to carry out their purpose. She said that giving the RTA taxing authority can be done pretty easily, and this proposed amendment is more fiscally responsible.

Councillor Sanders stated that it is time for a true RTA. She said that any tax levying would need further action from the Council, and a Special Resolution has no teeth and is just a suggestion and does not really offer any solutions.

Councillor Bradford said that a Special Resolution was offered several years ago that allowed the City to buy a half billion dollar utility company, and therefore it has produced action in the past, and can again. He said that he supports the amendment, and God help them if the RTA is created.

Councillor Mahern said that he ran his campaign on public transportation issues, and the City is behind the times and needs the RTA now.

Councillor Schneider said that he supports the amendment. He said that an RTA is risky and dangerous, and will bring about lots of legal debate. He said that Mr. Elrod has explained that the creation of an RTA means that transfer powers can be given by IndyGo or State Legislature to raise taxes, and this concerns him greatly.

Councillor Salisbury said that the Council cannot afford to be fiscally irresponsible and this RTA would allow the entity to be loose with other people's money.

Councillor Borst's motion to amend Proposal No. 249, 2004 failed on the following roll call vote; viz:

14 YEAS: Borst, Bowes, Bradford, Cain, Cockrum, Day, Langsford, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy
14 NAYS: Abdullah, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley
1 ABSENT: Keller

Proposal No. 249, 2004 was adopted on the following roll call vote; viz:

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16 YEAS: *Abduallah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Speedy, Talley*
12 NAYS: *Borst, Bradford, Cain, Cockrum, Day, Langsford, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider*
0 NOT VOTING:
1 ABSENT: *Keller*

Proposal No. 249, 2004 was retitled GENERAL ORDINANCE NO. 41, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 41, 2004

PROPOSAL FOR A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County" to establish a regional transportation authority.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 115 of the "Revised Code of the Consolidated City and County" regarding multi-jurisdictional authorities, hereby is amended by the addition of a NEW Article II, to read as follows:

**ARTICLE II. CENTRAL INDIANA
REGIONAL TRANSPORTATION AUTHORITY**

Sec. 115-201. Establishment.

(a) The Central Indiana Regional Transportation Authority (referred to as the *Authority* in this article) is hereby established as a regional transportation authority pursuant to IC 36-9-3-2.

(b) The Authority consists of the consolidated city of Indianapolis and Marion County, and such other counties or municipalities which hereafter may be added to or removed from the authority as provided in IC 36-9-3-3 or IC 36-9-3-4.

(c) Notwithstanding the addition of any other counties or municipalities to the Authority, the Authority and the Board are deemed to be located in Marion County.

Sec. 115-202. Powers and duties.

The Authority is vested with those powers and duties provided in IC Chapter 36-9-3 for a regional transportation authority that includes a consolidated city.

Sec. 115-203. Establishment of Board; membership.

(a) The Authority shall be under the control of the Central Indiana Regional Transportation Authority Board (referred to as the *Board* in this article), which is hereby established pursuant to IC 36-9-3-10. The Board consists of the following members:

- (1) Two (2) members appointed by the mayor of Indianapolis;
- (2) One (1) member appointed by the board of commissioners of Marion County;
- (3) One (1) member appointed by the executive of each county in the authority other than Marion County;
- (4) Two (2) members appointed by the state governor from a list of at least five (5) names provided by the Indianapolis regional transportation council;
- (5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than Marion County, appointed by the executives of such municipalities acting jointly;
- (6) One (1) member representing the excluded cities located in Marion County that are members of the authority, appointed by the executives of such excluded cities acting jointly; and,

- (7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority, appointed by the such labor organization.

(b) The Board shall be organized and shall operate according to the procedures provided in IC Chapter 36-9-3, including but not limited to the appointment and terms of members, selection of officers, designation of staff, record-keeping, quorum, requirements for official action, and compensation.

Sec. 115-204. Powers and duties of the Board.

(a) The Board is vested with those powers and duties provided in IC Chapter 36-9-3 for the board of a regional transportation authority that includes a consolidated city, including but not limited to the appointment of persons to act as executive director and controller for the Authority.

(b) The Board shall not have the power to levy a tax of any kind unless and until such power may be conferred upon the authority by further action of the Council.

Sec. 115-205. Employees.

Employees of the Authority shall have all the rights, benefits, protective conditions and remedies provided in IC Chapter 36-9-3 to employees of a regional transportation authority.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 265, 2004. Councillor Gray reported that the Parks and Recreation Committee heard Proposal No. 265, 2004 on May 20, 2004. The proposal, sponsored by Councillors Gray and Cockrum, approves a transfer of \$50,472 in the 2003 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to complete the purchase of 101 acres of land adjacent to Southwestway Park and to purchase plant material for the Land Stewardship program at Marrott Park. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cockrum stated that the community has worked hard to raise funds for this project and he urged committee members to support passage. Councillor Gray moved, seconded by Councillor Cockrum, for adoption. Proposal No. 265, 2004 was adopted on the following roll call vote; viz:

27 YEAS: Abdullallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

1 NOT VOTING: Bradford

1 ABSENT: Keller

Proposal No. 265, 2004 was retitled FISCAL ORDINANCE NO. 73, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 73, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 5 & 134, 2003) transferring and appropriating an additional Fifty Thousand Four Hundred

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and Seventy-two Dollars (\$50,472) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (l) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to complete the purchase of 101 acres of land adjacent to Southwestway Park and to purchase plant material for the Land Stewardship program at Marrott Park, financed by a transfer between characters.

SECTION 2. The sum of Fifty Thousand Four Hundred and Seventy-two Dollars (\$50,472) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
2. Supplies	25,000
4. Capital Outlay	25,472
TOTAL INCREASE	50,472

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
3. Other Services and Charges	50,472
TOTAL DECREASE	50,472

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in Section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 269, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 269, 2004 on May 19, 2004. The proposal, sponsored by Councillors Moriarty Adams, Talley and McWhirter, approves a transfer of \$162,833 in the 2004 Budget of the Department of Public Safety, Emergency Management and Planning Division (Federal Grants Fund), needed for equipment purchased as part of the Homeland Security Grant Program. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 269, 2004, as amended, was adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

1 NOT VOTING: *Bradford*

1 ABSENT: *Keller*

Proposal No. 269, 2004 was retitled FISCAL ORDINANCE NO. 74, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 74, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) transferring and appropriating an additional One Hundred and Sixty-two Thousand Eight Hundred and Thirty-three Dollars (\$162,833) in the Federal Grants Fund for purposes of the Department of Public Safety, Emergency Management and Planning Division, and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Emergency Management and Planning Division, needed for equipment purchased as part of the Homeland Security Grant Program, financed by a transfer between characters.

SECTION 2. The sum of One Hundred and Sixty-two Thousand Eight Hundred and Thirty-three Dollars (\$162,833) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>EMERGENCY MANAGEMENT AND PLANNING DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>162,833</u>
TOTAL INCREASE	162,833

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>EMERGENCY MANAGEMENT AND PLANNING DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
2. Supplies	59,707
4. Capital Outlay	<u>103,126</u>
TOTAL DECREASE	162,833

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Conley reported that the Public Works Committee heard Proposal Nos. 275-279, 2004 on June 3, 2004. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 275, 2004. The proposal, sponsored by Councillor Langsford, authorizes intersection controls for Timberlakes Subdivision, Section 2 (District 21). PROPOSAL NO. 276, 2004. The proposal, sponsored by Councillor Langsford, authorizes intersection controls for Bolton Avenue and New York Street (District 21). PROPOSAL NO. 277, 2004. The proposal, sponsored by Councillor Langsford, authorizes a one-way restriction on Layman Avenue between Washington Street and Lowell Avenue (District 21). PROPOSAL NO. 278, 2004. The proposal, sponsored by Councillor Langsford, authorizes a multi-way stop at the intersection of Butler and Fletcher Avenues (District 21). PROPOSAL NO. 279, 2004. The proposal, sponsored by Councillor Brown, authorizes intersection controls for Cumberland Cove Subdivision (District 18). By 5-0 votes, the Committee reported the proposals to the Council with the recommendation

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that they do pass. Councillor Conley moved, seconded by Councillor Brown, for adoption. Proposal Nos. 275-279, 2004 were adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley*

0 NAYS:

1 NOT VOTING: *Schneider*

1 ABSENT: *Keller*

Proposal No. 275, 2004 was retitled GENERAL ORDINANCE NO. 42, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 42, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
48	Ashtree Dr Stones River Dr	Stones River Dr	Stop
48	Frye Rd Stones River Dr	Frye Rd	Stop
48	Stones River Cir Stones River Dr	Stones River Dr	Stop
48	Stones River Ct Stones River Dr	Stones River Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 276, 2004 was retitled GENERAL ORDINANCE NO. 43, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 43, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	Bolton Ave New York St	Bolton Ave	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 277, 2004 was retitled GENERAL ORDINANCE NO. 44, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 44, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-342, One-way streets and alleys designated.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

SOUTHBOUND

Layman Avenue, from Lowell Avenue to Washington Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 278, 2004 was retitled GENERAL ORDINANCE NO. 45, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 45, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
33	Butler Ave Fletcher Ave	Fletcher Ave	Stop

SECTION 2. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
33	Butler Ave Fletcher Ave	None	All-way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 279, 2004 was retitled GENERAL ORDINANCE NO. 46, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 46, 2004

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

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<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28	Coastal Dr Coastal Way	Coastal Way	Yield
28	Coastal Way Cumberland Rd	Cumberland Rd	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Boyd passed the gavel to Vice President Sanders.

PROPOSAL NO. 292, 2004. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 292, 2004 on May 18, 2004. The proposal, sponsored by Councillors Boyd, Gray and Sanders, establishes an investigative committee of the council for the purpose of investigating the policies and expenditures of the Marion County Election Board. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Boyd said that even though there was a relatively low turnout in the primary election, there were many glitches with machines and other voting problems. He said that in November, there will be the Presidential election, as well as some highly contested local races, which will produce a greater turnout. If the same troubles occur as occurred in May, there will be some significant consequences. He said that this investigative committee will have subpoena power and will be able to determine what went wrong and put safeguards in place so that it does not happen again. He said that it is hard to keep such efforts bi-partisan, but he hopes this can be achieved.

Councillor Pfisterer said that she understands the concerns, but there is already a bi-partisan, well-respected panel in place, which includes Councillor Talley. She said that it would be more responsible to wait for that panel's report before any further action.

Councillor McWhirter agreed and said that it is a duplication of efforts.

Councillor Bradford said that although an investigative committee can be established by the President at any time, he is opposed to this particular committee. He said that this allows for only Councillors to sit on the committee and is all about partisanship and politics. He said that he did not vote in favor of the new equipment and there are always problems with new equipment. The panel already formed can work out these issues and address them.

Councillor Talley said that he serves on an election review task force and not an investigative committee.

Councillor Borst said that this is not the way to do this, because the Council has no authority in this process. He said that he has watched the task force meetings on television and would also like to see a resolution and has asked the County Clerk to provide more training and balance to eliminate such goof-ups, but he feels the initiation of an investigative committee is not the way to go about changing things.

Councillor Mahern said that the Council cannot afford to accept "goof-ups" and the County is losing voters because of problems faced.

Councillor Nytes agreed that this is not about some occasional goof-ups and her confidence in the Clerk has been shaken during the last two elections. She said that the Council was asked to approve the money to pay for the new equipment and therefore they need to take the responsibility of investigating.

Councillor Salisbury said that it is true that the County is losing voters, but the Council would only be promoting more loss of voters by forming another committee and bringing more attention to political grandstanding.

Councillor Borst said that he agrees it is more than a single goof-up, but the Council does not run elections and therefore should leave it to those who do to address the issues. He said that the Council has no business interfering.

Councillor Boyd said that the Council does have the authority, and there is no other body that does have that authority. The authority of an investigative committee exceeds the authority of the task force and citizens deserve more than has been given to them in the last two elections. He said that this is not a witch hunt, but is intended to focus on the process and the machinery. He said that it is a delicate balance, and he would like to keep it above the political fray to create a system the County can be proud of in November, with no citizens denied their right to vote.

Vice President Sanders returned the gavel to President Boyd.

Councillor Sanders moved, seconded by Councillor Nytes for adoption. Proposal No. 292, 2004, as amended, was adopted on the following roll call vote; viz:

15 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley
13 NAYS: Borst, Bradford, Cain, Cockrum, Day, Langsford, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy
0 NOT VOTING:
1 ABSENT: Keller

Councillor Borst stated that the Minority Caucus will not be participating in this committee and he will not assign any members, because this is simply political posturing and they do not wish to be a part of it. President Boyd said that it is unfair to the people of the city of Indianapolis for the other party not to be represented and support an effort to give citizens the opportunity to exercise their right to vote.

Proposal No. 292, 2004 was retitled GENERAL RESOLUTION NO. 7, 2004, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 7, 2004

A PROPOSAL FOR A GENERAL RESOLUTION establishing an investigative committee of the council for the purpose of investigating the policies and expenditures of the Marion County Election Board.

WHEREAS, the right to vote is the most basic and fundamental right in any democratically established society;

WHEREAS, the Constitution of the State of Indiana supports this principle by requiring that all elections be free and equal and that all elections by the People be by ballot;

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WHEREAS, explicit in the right to vote is the guarantee and the expectation that qualified and eligible voters will be able to freely cast their vote in the fashion prescribed by law and that such vote shall be duly recorded as an expression of voter will;

WHEREAS, certain irregularities are alleged to have occurred in the primary election of May 4, 2004 that, if found to be true, call into question the effectiveness of the Election Board's methods and delivery of a free and fair election;

WHEREAS, the council is charged, in such circumstances, to investigate the policies and expenditures of a department of the consolidated city; and

WHEREAS, the council has appropriated funds to the Election Board in an amount deemed, after extended investigation, sufficient to assure the People of Marion County that each election will be free of irregularities that may question the fairness of any election or the policies and procedures by which the an election is conducted; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council hereby creates a investigative election committee, with the power to subpoena witnesses, for the purpose of investigating the policies and expenditures of the Marion County Election Board.

SECTION 2. The Council investigative election committee will have as its members four (4) members appointed by the majority leader and three (3) members appointed by the minority leader.

SECTION 3. The said investigative election committee shall meet promptly to organize and to establish its procedure for the exercise of the authority granted to it by this ordinance.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SPECIAL SERVICE DISTRICT COUNCILS
POLICE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

President Boyd convened the Police Special Service District Council.

PROPOSAL NO. 254, 2004. Councillor Sanders reported that the Rules and Public Policy Committee heard Proposal No. 254, 2004 on May 18, 2004. The proposal, sponsored by Councillors Boyd, Oliver, Talley and Plowman, approves a transfer and appropriation of \$2,354,000 in the 2004 Budget of the Department of Public Safety, Police Division (Police General and Police Pension Funds), to cover 2003 back pay and other payroll and pension costs associated with the three year (2003-2005) collective bargaining agreement recently approved with the Fraternal Order of Police, financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams said that she will abstain from voting to avoid the appearance of a conflict of interest.

President Boyd called for public testimony at 9:31 p.m. There being no one present to testify, Councillor Sanders moved, seconded by Councillor Gray, for adoption. Proposal No. 254, 2004 was adopted on the following roll call vote; viz:

23 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cockrum, Conley, Day, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy

0 NAYS:

5 NOT VOTING: Cain, Franklin, Moriarty Adams, Plowman, Talley

1 ABSENT: Keller

Proposal No. 254, 2004 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2004, and reads as follows:

CITY-COUNTY POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2004

A FISCAL ORDINANCE amending the City-County Police Special Service District Budget for 2004 (City-County Police Special Service District Ordinance No. 2, 2003) by transferring and appropriating Two Million Three Hundred Fifty Four Thousand dollars (\$2,354,000) in the Police General and Police Pension Funds for purposes of the Department of Public Safety, Police Division.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Sections 1 and 2 of the City-County Police Special Service District Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to cover 2003 back pay and other payroll and pension costs associated with the three year (2003-2005) collective bargaining agreement recently approved with the Fraternal Order of Police.

SECTION 2. The sum of Two Million Three Hundred Fifty Four Thousand dollars (\$2,354,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

1. Personal Services
TOTAL INCREASE

POLICE GENERAL FUND

1,762,000
1,762,000

DEPARTMENT OF PUBLIC SAFETY

POLICE PENSION DIVISION

1. Personal Services
TOTAL INCREASE

POLICE PENSION FUND

592,000
592,000

SECTION 4. The said additional appropriation is funded by the following transfers or reductions:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

2. Supplies and Materials
3. Other Services and Charges
4. Capital Outlay
TOTAL DECREASE

POLICE GENERAL FUND

86,500
554,000
57,500
698,000

POLICE GENERAL FUND

Unappropriated and Unencumbered
Police General Fund
TOTAL REDUCTION

1,064,000
1,064,000

POLICE PENSION FUND

Unappropriated and Unencumbered
Police Pension Fund
TOTAL REDUCTION

592,000
592,000

SECTION 5. The projected December 31, 2004, fund balance for the Police General fund is as follows:

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Cash balance as of March 31, 2004	13,926,011
Estimated 2004 revenues (2004 budgeted plus new revenues)	<u>81,673,252</u>
Projected funds available	95,599,263
2004 appropriations, including prior year carryover encumbrances	90,524,931
Proposed appropriation (this proposal)	<u>1,064,000</u>
Total Requirements	91,588,931
Projected fund balance December 31, 2004	4,010,332

The projected December 31, 2004, fund balance for the Police Pension fund is as follows:

Cash balance as of December 31, 2003	7,005,551
Estimated 2004 revenues (2004 budgeted plus new revenues)	<u>29,271,175</u>
Projected funds available	36,276,726
2004 appropriations, including prior year carryover encumbrances	35,440,705
Proposed appropriation (this proposal)	<u>592,000</u>
Total Requirements	36,032,705
Projected fund balance December 31, 2004	244,021

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 266, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 266, 2004 on May 19, 2004. The proposal, sponsored by Councillors Moriarty Adams, Talley and McWhirter, approves an increase of \$161,000 in the 2004 Budget of the Department of Public Safety (State Law Enforcement Fund) to pay for salaries and benefits of the Marion County Prosecutor Forfeiture Unit as part of a Memorandum of Understanding (MOU) between the Indianapolis Police Department, Marion County Sheriff Department and the Marion County Prosecutor's Office. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 9:33 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal No. 266, 2004 was adopted on the following roll call vote; viz:

28 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

1 ABSENT: Keller

Proposal No. 266, 2004 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2004, and reads as follows:

CITY-COUNTY POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2004

A FISCAL ORDINANCE amending the City-County Police Special Service District Annual Budget for 2004 (Police Special Service District Fiscal Ordinance No. 2, 2003) appropriating an additional One Hundred Sixty One Thousand Dollars (\$161,000) in the State Law Enforcement Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the State Law Enforcement Fund.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 4 of the City-County Police Special Service District Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division to pay for salaries and benefits of the Marion County Prosecutor Forfeiture Unit as part of a Memorandum of Understanding (MOU) between the Indianapolis Police Department, Marion County Sheriff Department and the Marion County Prosecutor's Office, financed by fund balance.

SECTION 2. The sum of One Hundred Sixty One Thousand Dollars (\$161,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

STATE LAW ENFORCEMENT FUND

3. Other Services and Charges

161,000

TOTAL INCREASE

161,000

SECTION 4. The said additional appropriation is funded by the following reductions:

STATE LAW ENFORCEMENT FUND

Unappropriated and Unencumbered

State Law Enforcement Fund

161,000

TOTAL REDUCTION

161,000

SECTION 5. The projected December 31, 2004, fund balance for the State Law Enforcement Fund is as follows:

Est. Cash balance as of January 1, 2004	478,687
Estimated revenues 2004	<u>300,000</u>
Projected funds available	778,687
 2004 remaining appropriations, including all encumbrances	 200,000
Proposed additional appropriation	<u>161,000</u>
Total Requirements	361,000
 Projected fund balance December 31, 2004	 417,687

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Boyd reconvened the City-County Council.

NEW BUSINESS

Councillor Oliver said that on behalf of himself and former Councillor Carlton Curry, they appreciated the thoughts, cards, and prayers during their recent heart surgeries and hospital stays.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

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Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Boyd in memory of Irene Mae Metzger, Leroy Rickets, and Erdell Harper; and
- (2) Councillor Cockrum in memory of George M. Goldman; and
- (3) Councillor Talley in memory of Shirley Byrdsong Mills; and
- (4) Councillor Gray in memory of Jewel Dean Snorden Smith.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Irene Mae Metzger, Leroy Rickets, Erdell Harper, George M. Goldman, Shirley Byrdsong Mills, and Jewel Dean Snorden Smith. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:36 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 7th day of June, 2004.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)

